



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 05-18

- ☒ Preproposal Statement of Inquiry was filed as WSR 06-02-017 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 173-153 WAC, Water Conservancy Boards. This rule provides administrative direction for the formation of water conservancy boards within geographic areas of the state. The rule establishes training requirements for water conservancy board commissioners and procedures for Ecology, boards and the public to follow concerning the implementation of chapter 90.80 RCW. Chapter 90.80 RCW provides for the establishment of water conservancy boards and vests boards with certain powers related to the processing of water right change applications.

Hearing location(s):June 6, 2006:

Moses Lake Fire Department
701 E. 3rd Ave
Moses Lake, WA
Phone: (509) 765-2204
Time: 7:00 PM

June 8, 2006:

Ecology Headquarters Building
300 Desmond Drive
Lacey, WA
Phone: (360) 407-6000
Time: 7:00 PM

Submit written comments to:

Name: Fred Rajala

Address: Department of Ecology -Eastern Regional Office ERO
4601 N Monroe Street
Spokane, WA 99205-1295

e-mail frj461@ecy.wa.gov

fax (509) 329-3529 by (date) June 16, 2006

Assistance for persons with disabilities: Contact

Judy Beitel by May 30, 2006

TTY (800) 833-6388 or (360) 407-6878

Date of intended adoption: July 7, 2006

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed rulemaking would amend Chapter 173-153 WAC to reflect the legislative amendments to Chapter 90.80 RCW and 90.03 RCW adopted during the last two legislative sessions and provide additional information concerning the crediting of training credit to board commissioners during their term of service. Substitute House Bill 2307, Chapter 104, Session Laws of 2004, entitled Water Conservancy Board - Commissioner Eligibility, provided a definition of a "water right holder" for the purpose of determining representation requirements of board commissioners. This definition differs from the definition within the rule proposed to be amended. Engrossed Substitute Senate Bill 6125, Chapter 10, Session Laws of 2004, entitled Water Conservancy Board - Alternate, defined the position of "Alternate Commissioner" and authorized certain conditions under which an alternate may serve in the place of an absent commissioner. The adopted definition and conditions for service as a commissioner differs from that contained within the rule. Engrossed Substitute House Bill 2309, Session laws of 2005, entitled Water Right Fees, modified the fees associated with the examination of water right change applications and eliminated the collection of a fee to Ecology for applications filed with Water Conservancy Boards. The proposed rule amendment eliminates the requirement that boards forward a fee to the Department and clarifies other application processing issues related to a departmental fee within the rule. The proposed rule will also clarify reporting and documentation requirements and evaluation criteria for training credit of commissioners during their term of service.

Statutory authority for adoption: RCW 90.80.040, authorizes the Director to adopt rules in accordance with Chapter 34.05 RCW necessary to carry out Chapter 90.80 RCW.

Statute being implemented: Chapter 90.80 RCW**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

APR 28 2006

TIME

2:36

AM

WSR

06.10.041

PM

DATE 4/27/06

NAME (type or print)

Polly Zehm

SIGNATURE

Polly Zehm

TITLE

Deputy Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
N/A

Name of proponent: (person or organization) Department of Ecology

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Fred Rajala	Spokane WA	(509) 329 - 3446
Implementation....Fred Rajala	Spokane WA	(509) 329 - 3446
Enforcement..... Ken Slattery	Olympia, WA	(360) 407 - 6602

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The amendments to Chapter 173-153 WAC are made primarily to conform the existing rule to the statute as amended. The amendment of this rule will not impose a cost upon business that would require a small economic impact statement.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The amendments to the existing rule do not constitute a significant legislative rule and therefore a cost-benefit analysis is not required.